



John T. Auburger
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

JUNE 15, 2010

General Information:

Work Session: 6:30 pm.

Meeting: 7:00 pm.

Roll Call:

Albert F. Meilutis, Chairman

Michelle Betters

Randy T. Jensen

William F. Murphy

John J. Riley

Raymond DiRaddo, Town Attorney

Ivana Frankenberger, Planning Assistant

Mary Jo Santoli, Secretary to the Zoning Board

Absent:

Christopher A. Schiano, Deputy Town Attorney

Diana Christodaro

Pledge of Allegiance

Additions/Deletions to the Agenda

Announcements:

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OLD BUSINESS:

- 1. Applicant:** Bruce Darling
Location: 267 Lake Shore Drive
Mon. Co. Tax No.: 017.06-2-21
Zoning District: R1-12 (Single-Family Residential)
Request: An area variance for a proposed accessory structure (198 sq. ft. shed) as a principal structure on a lot. Sec. 211-5 (Structure, Accessory)

Mr. Meilutis offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 267 Lake Shore Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Absent
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes

Motion Carried

Mr. Meilutis then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Bruce Darling, 267 Lake Shore Drive, Bruce Darling appeared before the Board of Zoning Appeals at our last evening and this evening requesting an area variance for a proposed accessory structure (198 sq. ft. shed) as a principal structure on a lot.

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WHEREAS, the findings of fact are as follows:

Mr. Bruce Darling appeared before this Board on June 1, 2010 for the aforementioned request. His principal residence is a waterfront parcel located at 280 Lakeshore Drive, and is located on the north side of Lakeshore Drive. Immediately across the street from 280 Lakeshore and on the south side of Lakeshore Drive are two vacant parcels, also owned by Mr. Darling. These are 267 Lakeshore and the adjoining parcel immediately to the west, being 279 Lakeshore Drive.

These two parcels on the south side of Lakeshore are vacant and contain some woods and an area which Mr. Darling uses as a garden. The proposed shed is for the storage of lawn and garden equipment needed to maintain these properties, and will also contain a 6 ft. x 8 ft. attached greenhouse. Additionally, the applicant is looking to run electric and water to the shed. This will remedy running a garden hose across from the property at 280 Lakeshore Drive and allow for the addition of some low-voltage lighting. The proposed shed is intended to be painted a darker color so as to blend with the existing trees on the parcel.

Mr. Darling tried to combine the three lots into one tax account number, but the County's current tax map system will not allow for the combination of parcels that cross a roadway.

Having reviewed all the testimony and evidence as just summarized in the findings of fact and having considered the five statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action under SEQRA regulations, requiring no further action by this Board.

I move to approve this application for the life of the shed.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Absent
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes

Motion Carried
Application Approved
With Condition

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- 2. Applicant:** Charles S. Arena, Sr.
Location: 2450 Edgemere Drive
Mon. Co. Tax No.: 026.15-1-57
Zoning District: R1-E (Single-Family Residential)
Request:
- a) An area variance for an existing cabana (8.3 ft. x 30.7 ft.; 252.3 sq. ft.), to be located in a (west) side yard, where accessory structures, including cabanas, are permitted in rear yards only. Sec. 211-11 E (3)
 - b) An area variance for an existing cabana (8.3 ft. x 30.7 ft.; 252.3 sq. ft.), to have a (west) side setback of 1.1 ft., instead of the 6.8 ft. minimum required. Sec. 211-11 E (1), Table I
 - c) An area variance for a proposed detached garage (22.0 ft. x 22.0 ft.; 484.0 sq. ft.), to have a rear setback of 20.0 ft. (measured from the centerline of Old Edgemere Drive), instead of the 55.0 ft. minimum required. Sec. 211-11 E (1), Table I
 - d) An area variance to allow for a proposed structure (detached garage; 22.0 ft. x 22.0 ft.; 484.0 sq. ft.), being over 3.0 ft. in height above the nearest street grade in a restricted area, as described in Sec. 211-33 A and Sec. 211-33 B (2)(a) (b)(c).
 - e) An area variance for proposed lot coverage of 30.7%, instead of the 25% maximum permitted.

On a motion by Mr. Riley and seconded by Mr. Jensen, it was resolved to close the public hearing on this application and reserve decision until the meeting of July 20, 2010.

**Ms. Betters
Mr. Jensen
Mr. Murphy**

**Yes
Yes
Yes**

**Ms. Christodaro
Mr. Meilutis
Mr. Riley**

**Absent
Yes
Yes**

**Motion Carried
Hearing Closed and Decision
Reserved Until the Meeting
of July 20, 2010**

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NEW BUSINESS:

- 1. Applicant:** Thomas R. & Marilyn P. Crumlish
Location: 2728 Edgemere Drive
Mon. Co. Tax No.: 026.15-1-11
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed detached garage (28.7 ft. x 38.0 ft.; 1093.0 sq. ft.), resulting in a total gross floor area of 1515.7 sq. ft. for all existing and proposed accessory structures and attached garages, where 1000 sq. ft. is the maximum gross floor area permitted for lots up to one acre in area. Sec. 211-11 E (1), Table I
b) An area variance for a proposed detached garage (1093.0 sq. ft.) to have a (west) side setback of 4.0 ft., instead of the 8.0 ft. minimum required. Sec. 211-11 E (1), Table I

Mr. Murphy offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 2728 Edgemere Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Absent
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes

Motion Carried

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Mr. Murphy then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Thomas & Marilyn Crumlish, 2728 Edgemere Drive, Mr. Crumlish appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed detached garage (28.7 ft. x 38.0 ft.; 1093.0 sq. ft.), resulting in a total gross floor area of 1515.7 sq. ft. for all existing and proposed accessory structures and attached garages, where 1000 sq. ft. is the maximum gross floor area permitted for lots up to one acre in area; and an area variance for a proposed detached garage (1093.0 sq. ft.) to have a (west) side setback of 4.0 ft., instead of the 8.0 ft. minimum required.

WHEREAS, Mr. Crumlish stated that he had built the house in 1994 and has lived there since. He stated that the proposed garage that will be located across the street will be used for woodworking, refinishing furniture, storage of lawnmowers, and crafts. He stated at the present time, the existing structure that is on that lot is dilapidated and not in very good shape. He stated that the proposed garage would match the existing home structure if possible, finding the same type siding that the home has. It would also have power and water in the structure. The water would be used to wash out paint brushes and it will have a utility sink. He has spoken to the neighbors and the neighbors he has spoken to have shown support and we have one letter that was presented to the Board from Peter Tomassetti, 2733 Edgemere Drive showing his objection.

WHEREAS, it is my opinion that an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance, I feel, is not substantial and the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The alleged difficulty, however, was self-created by moving the garage over to that area, which consideration is relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of this area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the following conditions:

1. That the approval is for the life of the garage.
2. That the height does not exceed 17 feet.
3. That this is not to be used as a business venture; that they are not manufacturing or running a business from the property.

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Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Absent
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes

Motion Carried
Application Approved
With Conditions

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2. **Applicant:** James T. Korneliusen
 Location: 294 Pinebrook Drive
 Mon. Co. Tax No.: 059.01-7-72
 Zoning District: R1-E (Single-Family Residential)
 Request: An area variance for a proposed shed (10.0 ft. x 20.0 ft.; 200.0 sq. ft.), resulting in a total gross floor area of 926.0 sq. ft. for all existing and proposed accessory structures and attached garages, where 800 sq. ft. is the maximum gross floor area permitted for lots up to 16,000 sq. ft. in area. Sec. 211-11 E (1), Table I

Mr. Jensen offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 294 Pinebrook Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Absent
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes

Motion Carried

Mr. Jensen then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of James T. Korneliusen, 294 Pinebrook Drive, Mr. Korneliusen appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed shed (10.0 ft. x 20.0 ft.; 200.0 sq. ft.), resulting in a total

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gross floor area of 926.0 sq. ft. for all existing and proposed accessory structures and attached garages, where 800 sq. ft. is the maximum gross floor area permitted for lots up to 16,000 sq. ft. in area.

WHEREAS, the applicant built the home in 1987 and the reason for the shed is for outside storage. He does have an in-ground pool and this will be for some of the pool equipment and this will also be for fall and winter time storage of a solar cover that was previously kept inside the garage. For safety purposes, this shed will make it easier for him to store the solar cover with not being able to put it inside the garage, up in the rafters, which is a huge safety concern. Also, he will be storing summertime deck furniture, which would be a lawn table with chairs and other accessory items. Along with the home, there is a garden at the home and the applicant's wife will also keep some of her garden supplies within the shed. The applicant did state that there will be no gas, electric or water to it and when the pool was installed, the pool contractor poured a concrete slab, which is already there and the concrete slab is 10 X 26, which will actually fit the shed perfect.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the condition that this approval is for the life of the shed.

Seconded by Mr. Riley and duly put to a vote, which resulted as follows:

Ms. Betters
Mr. Jensen
Mr. Murphy

Yes
Yes
Yes

Ms. Christodaro
Mr. Meilutis
Mr. Riley

Absent
Yes
Yes

Motion Carried
Application Approved
With Condition

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- 3. Applicant:** Dianne E. DeFisher
Location: 3150 Ridgeway Avenue
Mon. Co. Tax No.: 088.03-1-5.2
Zoning District: R1- 18 (Single-Family Residential)
Request: An area variance for a proposed aboveground pool (30.0 ft. x 15.0 ft.; 450.0 sq. ft.) to be located in a side yard, where accessory structures, including pools, are permitted in rear yards only. Sec. 211-11 E (3)

Mr. Riley offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 3150 Ridgeway Avenue, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5(c)(10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Ms.Betters and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Absent
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes

Motion Carried

Mr. Riley then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Dianne E. DeFisher, 3150 Ridgeway Avenue, Ms. DeFisher appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed aboveground pool (30.0 ft. x 15.0 ft.; 450.0 sq. ft.) to be located in a side yard, where accessory structures, including pools, are permitted in rear yards only.

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WHEREAS, the applicant states that she has lived at the address for four years and the reason for proposing the pool location in a side yard is that the property layout will not allow for placement of the pool in her rear yard. This particular parcel is of irregular shape and it most closely resembles a piece of pie. It is bordered to the north by the Erie Canal and associated right-of-way of the State of New York. The south property borders Ridgeway Avenue. Immediately south of Ridgeway is open land currently zoned General Industrial. The east borders a similar residential parcel and the west borders where the property comes to a point and is predominantly surrounded by New York State right-of-way. For the record – this should be noted – this particular parcel on Ridgeway Avenue is a rural setting, virtually no impact on the neighborhood, and further, a large portion of the parcel is shielded from roadway view due to trees and vegetation.

WHEREAS, I am going to go through Local Law #2 of 1990; it is the Greece Swimming Pool Law. It states that when pools are in a variance situation, the Board of Zoning Appeals should consider the following:

- A. Safety of the persons using the pool. As the applicant testified, she is going to comply with any and all requirements of the Building Department requiring her to make for a safe pool enclosure.
- B. Safety of children who may be attracted to the location of the pool. This really shouldn't be much of an issue for this particular property owner other than those family members; as stated before, this is a rural parcel and virtually not visible from the road.
- C. Safety of the structure and the intended use. As stated, the other structures are really not within close proximity to the proposed location of the pool, and therefore should not be in jeopardy if an accident were to occur as far as discharge of pool water.
- D. The potential of flooding of the subject property and the adjacent property. As stated, that is not really going to be an impact on this parcel. The applicant stated that any potential flooding would likely drain towards the Erie Canal.
- E. The general appearance and character of the neighborhood. As stated before, this is a rural setting and this parcel is shielded from the roadway considerably with trees and vegetation.
- F. This is a little redundant, proper drainage facilities for draining the pool, as well as the surrounding area.

WHEREAS, it is my opinion that an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. And further, it is my opinion that the requested area variance is not substantial. The proposed variance will not have an adverse impact or effect on the physical or environmental conditions in the neighborhood or district. And although the alleged difficulty was self-created, which consideration is relevant to the decision of the Board, it shall not necessarily preclude the granting of this area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

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Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application with the condition that a Hold Harmless Agreement is signed with the Town of Greece.

Seconded by Ms. Betters and duly put to a vote, which resulted as follows:

Ms. Betters	Yes	Ms. Christodaro	Absent
Mr. Jensen	Yes	Mr. Meilutis	Yes
Mr. Murphy	Yes	Mr. Riley	Yes

Motion Carried
Application Approved
With Condition

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ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Dated: _____
Albert F. Meilutis, Chairman

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